

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREGORY HAZLETT,

Plaintiff,

V.

CITY OF PINE LAWN and
OFFICER STEVE LOWMAN,

Defendants.

Case No. 4:12CV1715 JAR

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s Motion for Stay of Proceedings and Alternative Motion of Plaintiff’s Attorneys to Withdraw (ECF No. 15).¹ Plaintiff contends that a stay is warranted because he is confined, which presents difficulties in prosecuting his case. (ECF No. 16). Plaintiff requests that the Court stay these civil proceedings until the criminal charges against Plaintiff are resolved. (ECF No. 16, p. 2).

In response, Defendants contend that a stay is not warranted because the civil and criminal cases are not substantially similar so that the same evidentiary material likely will be involved and the government's case may be compromised. (ECF No. 17, pp. 2-3). Defendants assert that Plaintiff's false arrest and malicious prosecution claims have no relation to his arrest for forcible rape, forcible sodomy, kidnaping, and armed criminal action. (ECF No. 17, p. 3). Because there is no overlap between the civil and criminal claims, Defendants argue that Plaintiff's request for a stay should be denied.

¹The Court notes that Plaintiff has not provided a reply in support of the Motion. Time for filing a reply, however, has run. E.D.Mo. L.R. 4.01(C).

The Court finds that Plaintiff's civil and criminal claims are not so related that he cannot prosecute his civil claims without compromising his criminal defense or the government's case. Although Plaintiff's incarceration presents some logistical problems, the Court does not believe that these issues warrant granting an indefinite stay in this matter.

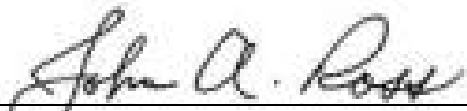
In the alternative, Plaintiff's counsel has asked to withdraw because Plaintiff cannot meet his financial obligations in accordance with his engagement agreement with The Perron Law Firm, P.C. due to his incarceration. (ECF No. 16, pp. 3-4). Plaintiff's counsel states that they have informed Plaintiff of their desire to withdraw from representing Plaintiff, but have not stated Plaintiff's position regarding the same.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Stay of Proceedings and Alternative Motion of Plaintiff's Attorneys to Withdraw [15] is **GRANTED**, in part, and **DENIED**, in part. The Court denies Plaintiff's request for a stay of this action. Plaintiff's counsel's Motion to Withdraw is set for hearing on **April 19, 2013 at 10:00 a.m.** in the undersigned's courtroom. At that time, Plaintiff's counsel must provide Plaintiff's position regarding the Motion to Withdraw.

IT IS FURTHER ORDERED that the Clerk of the Court shall provide a copy of this order to Gregory Hazlett, 1538 Somerset Terrace Dr., St. Louis, MO 63136 and Gregory Hazlett, Inmate No. 48575, St. Louis County Justice Center, P.O. Box 16060, Clayton, MO 63105.

Dated this 26th day of March, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE